



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – MAY 18, 2007

MID MONTH BOARD MEETING MINUTES¹

MAY 18, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Sean Harrigan, President
Patricia Clarey, Member
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose

- Our BCPs were heard in Assembly Subcommittee 4 on May 17, 2007. We were on consent, so all BCPs have been passed through both houses. DPA's BCP on HR Modernization was also on consent.
- We met on May 17, 2007, with Caltrans and the Union regarding their legislation that would make permanent the Demonstration Project. We were able to agree on language for the amendment that addresses the Board's concerns. The bill will be amended to include a reporting requirement each year for the first three years, and upon the Board's request thereafter.
- On the Governmental Program Analyst proposal, SPB and DPA have convened a work group to resolve the outstanding issues. DSS, Mental Health, DWR, the Union and additional departments are also involved.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

- A case pending before the California Supreme Court regarding Copely issue (disclosure of peace officer personnel records) that will be argued May 31, 2007. The issue is whether peace officer records provided to the peace officers research group (PORAC) for statistical purposes retain their status as personnel records and thus their exemption from disclosure under the Public Records Act.
- SPB has been working on an issue with DFEH and our state psychologist, Dr. Sherrill Leake to provide input on some proposed regulations being promulgated by Peace Officer Standards and Training.

¹ The Minutes for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

May 18, 2007

- We have filed our response to the Receiver's proposal to establish 250 CEAs that can be hired from outside civil service and terminated at will, as well as a response to the Receiver's proposal to waive laws and regulations governing contracting out for state goods and services. The Receiver will have an opportunity to file a reply.
- Received request from Department of Finance to comment on aspect of the Perez v. Schwarzenegger case where they are looking at increasing dental salaries and possibly establishing new classifications. We will be responding shortly.
- Receiver has filed Receiver's Plan; he suggests he might want to take over the hiring of correctional officers.
- Bruce Monfross has decided to return to SPB. He will be returning May 29, 2007.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Evans

- Language has been developed for AB 1702 (Blakeslee) and will be submitted the next upcoming Board Meeting.
- Met with sponsors of SB 870 (Ridley-Thomas). We are working on an amendment and the Board will also see this analysis at the next upcoming Board Meeting.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126(c)(3), and 18653.]
(See Action Taken on Pages 9–15)

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

Colocousis, et al. v. State Personnel Board, et al.
Sacramento Superior Court Case No. 07CS00461

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

NO ACTION

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF JUNE 5, 2007, IN SACRAMENTO, CALIFORNIA

NONE

BOARD ACTIONS:

12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF APRIL 17, 2007

ACTION: ADOPTED

VOTE: Harrigan, Clarey, Costigan – Aye

13. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 9–17

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes on Pages 22–23)

ACTION: ADOPTED

VOTE: Harrigan, Clarey, Costigan – Aye

15. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 17–19

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On May 18, 2007, the following proposals were presented to the Board by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

TAX COUNSEL

The Franchise Tax Board and the Board of Equalization in conjunction with the Department of Personnel Administration proposes the following revisions to the Tax Counsel Series specification: revising the minimum qualifications for the Tax Counsel III and Tax Counsel IV levels; updating the Knowledge, Skills and Abilities sections; and revising Alternate Range Criteria # 315.

ACTION: ADOPTED

VOTE: Harrigan, Clarey, Costigan – Aye

**CASE RECORDS TECHNICIAN
SUPERVISING CASE RECORDS TECHNICIAN**

The California Department of Corrections and Rehabilitation (CDCR) in conjunction with the Department of Personnel Administration proposes to establish the new classification of Case Records Technician and Supervising Case Records Technician; establishment of a twelve month probationary period; adoption of Alternative Range Criteria 454; reallocation of incumbents from existing classes to the deep class of Case Records Technician and Supervising Case Records Technician.

ACTION: WITHDRAWN AT THE REQUEST OF THE UNION

SENIOR REAL ESTATE OFFICER

The Department of General Services (DGS) and the Department of Personnel Administration (DPA) propose the following changes to the Senior Real Estate Officer class series: establishment of the class of Senior Real Estate Officer (Specialist) with a 12-month probationary period; re-title the class of Senior Real Estate Officer to Senior Real Estate Officer (Supervisory); and revise the series specification to update and more accurately reflect the current work requirements of the class series.

ACTION: ADOPTED

VOTE: Harrigan, Clarey, Costigan – Aye

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

BLANKETING HALF MOON BAY FIRE PROTECTION DISTRICT EMPLOYEES INTO STATE CIVIL SERVICE

The California Department of Forestry and Fire Protection (CAL FIRE) requests that the employees from the Half Moon Bay Fire Protection District be transferred into State civil service.

ACTION: WITHDRAWN AT THE REQUEST OF THE DEPARTMENT

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

***PLATA* REGIONAL PERSONNEL OFFICER, NORTHERN**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. Under the direction of the Deputy Director, *PLATA* Support Services, the *PLATA* Northern Regional Personnel Officer will design, organize, and implement the new regional concept and will be responsible for developing policy and procedures to focus on expeditiously hiring and retaining medical professionals and their support staff.

***PLATA* REGIONAL PERSONNEL OFFICER, SOUTHERN**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. Under the direction of the Deputy Director, *PLATA* Support Services, the *PLATA* Southern Regional Personnel Officer will design, organize, and implement the new regional concept and will be responsible for developing policy and procedures to focus on expeditiously hiring and retaining medical professionals and their support staff.

***PLATA* REGIONAL PERSONNEL OFFICER, CENTRAL**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. Under the direction of the Deputy Director, *PLATA* Support Services, the *PLATA* Central Regional Personnel Officer will design, organize, and implement the new regional concept and will be responsible for developing policy and procedures to focus on expeditiously hiring and retaining medical professionals and their support staff.

DEPUTY DIRECTOR, CONSUMER PROTECTION AND ELECTRIC GENERATION PERFORMANCE, CONSUMER PROTECTION AND SAFETY DIVISION (CPSD)

The Public Utilities Commission proposes to re-allocate the above position to the CEA category.

DEPUTY DIRECTOR, SAFETY AND RELIABILITY, CONSUMER PROTECTION AND SAFETY DIVISION (CPSD)

The Public Utilities Commission proposes to allocate the above position to the CEA category.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

CHIEF OF PUBLIC AFFAIRS

The Bureau of State Audits' proposal to re-establish the above position to the CEA category was approved April 20, 2007.

May 18, 2007

CHIEF INFORMATION OFFICER

The Department of Financial Institutions' proposal to allocate the above position to the CEA category was approved April 20, 2007.

PROGRAM DIRECTOR, PERFORMANCE MEASUREMENTS, DIVISION OF CORRECTIONAL HEALTH CARE SERVICES

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category was approved effective April 20, 2007.

DEPUTY DIRECTOR, STRATEGIC PLANNING AND DEVELOPMENT BRANCH

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category was approved effective April 20, 2007.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 20–21

A D J O U R N M E N T

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 – 15
AS NOTED.**

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On May 18, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Clarey, Costigan – Aye

(1) CASE NO. 05-2211A

Appeal from dismissal

Classification: Senior Tax Compliance Representative

Department: Employment Development Department

Proposed decision rejected September 20, 2006.

Oral argument heard March 2, 2007.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 06-1433

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

(3) CASE NO. 05-0929PA

Appeal from rejection during probation

Classification: Health Program Manager I

Department: Department of Health Services

Petition for Rehearing granted February 20, 2007.

Oral argument heard May 8, 2007.

Case ready for decision by FULL Board.

NO ACTION

- (4) **CASE NO. 06-0188A**
Appeal from dismissal
Classification: Physician and Surgeon, CF
Department: Department of Corrections and Rehabilitation

Proposed decision rejected February 20, 2007.
Oral argument heard April 3, 2007.
Case ready for decision by FULL Board.

NO ACTION
- (5) **CASE NO. 05-1067A**
Appeal from dismissal
Classification: Investigator
Department: Department of Motor Vehicles

Proposed decision rejected January 9, 2007.
Oral argument heard May 8, 2007.
Case ready for decision by FULL Board.

NO ACTION
- (6) **CASE NO. 04-2919ERPA**
Appeal from discrimination and retaliation
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted February 20, 2007.
Oral argument heard May 8, 2007.
Case ready for decision by FULL Board.

NO ACTION
- (7) **CASE NO. 05-0927BA**
Appeal for back salary determination
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.
Oral argument heard April 3, 2007.
Case ready for decision by FULL Board.

NO ACTION

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(8) CASE NO. 06-1310

Appeal from 14 working days suspension

Classification: Regional Administrator

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE PRESENTED

C. CHIEF COUNSEL RESOLUTIONS

On May 18, 2007, the Board took the following action on the case listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Clarey, Costigan – Aye

(1) CASE NO. 05-3741

Appeal from dismissal

Classification: Medical Technical Assistant, CF

Department: Department of Corrections and Rehabilitation

Request for Order to Show Cause against Department of
Corrections and Rehabilitation

ACTION: SUBMITTED

COURT REMANDS

NONE PRESENTED

STIPULATIONS

NONE PRESENTED

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On May 18, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Clarey, Costigan – Aye

- (1) **CASE NO. 06-2528E**
Appeal from denial of request for reasonable accommodation
Classification: Employment Program Representative
Department: Employment Development Department
ACTION: The Board adopted the ALJ's Proposed Decision denying the request for reasonable accommodation.
- (2) **CASE NO. 06-1797**
Appeal from 20 working days suspension
Classification: Employment Program Representative
Department: Employment Development Department
ACTION: The Board adopted the ALJ's Proposed Decision modifying the suspension.
- (3) **CASE NO. 06-3551**
Appeal from five percent reduction in salary for 12 months
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the reduction in salary.
- (4) **CASE NO. 06-2154**
Appeal from official letter of reprimand
Classification: Correctional Case Records Supervisor
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the letter of reprimand.
- (5) **CASE NO. 06-0640 & 06-1594N**
Appeal from dismissal and discrimination/retaliation complaint
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal and denying the discrimination/retaliation complaint.
- (6) **CASE NO. 06-3374**
Appeal from Official Letter of Reprimand
Classification: Protestant Chaplain
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the letter of reprimand.

- (7) **CASE NO. 06-0738**
Appeal from dismissal
Classification: Correctional Sergeant I
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision and requested a hearing wherein the parties will be asked to brief the issues of whether the department established cause for discipline by preponderance of the evidence and, if so, what is the appropriate penalty.
- (8) **CASE NO. 06-3236**
Appeal from 10 percent reduction in salary for 24 months
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (9) **CASE NO. 06-4158**
Appeal from formal reprimand
Classification: Correctional Officer I
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the formal reprimand.
- (10) **CASE NO. 06-2758**
Appeal from 5 percent reduction in salary for 3 pay periods
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (11) **CASE NO. 06-2437**
Appeal from dismissal
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision and asked that legal prepare a special resolution related to Exhibit 1 of the Proposed Decision.
- (12) **CASE NO. 06-3525**
Appeal from dismissal
Classification: Electrician II
Department: Department of Developmental Services
ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal.

- (13) **CASE NO. 05-2388E**
Appeal from discrimination
Classification: Associate Governmental Programs Analyst
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.
- (14) **CASE NO. 06-3721**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (15) **CASE NO. 06-2444**
Appeal from 60 work days suspension
Classification: Parole Agent
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the suspension.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On May 18, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Clarey, Costigan – Aye

- (1) **CASE NO. 06-1635P**
Appeal from dismissal
Classification: Transportation Engineer (Civil)
Department: Department of Transportation
ACTION: Petition for rehearing denied.
- (2) **CASE NO. 06-4253P**
Appeal from dismissal
Classification: Caltrans Equipment Operator
Department: Department of Transportation
ACTION: Petition for rehearing denied.
- (3) **CASE NO. 05-4259 & 05-3276EP**
Appeal from demotion
Classification: Assistant Division Chief/Program Manager
Department: Department of Motor Vehicles
ACTION: Petition for rehearing denied.
- (4) **CASE NO. 05-3783P**
Appeal from suspension for 20 working days
Classification: Motor Vehicles Field Representative
Department: Department of Motor Vehicles
ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of an oral argument before the Board.

- (1) **CASE NO. 05-1007EA**
Appeal from denial of discrimination complaint
Classification: Outside contractor
Department: Department of Transportation

Proposed decision rejected December 19, 2006.
Oral argument originally set April 3, 2007, Sacramento.
Continued to July 10-11, 2007, Sacramento.

NO ACTION

May 18, 2007

- (2) **CASE NO. 03-3412A**
Appeal from rejection during probation
Classification: Correctional Counselor II (Supervisor)
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted April 3, 2007.
Pending oral argument July 10-11, 2007, Sacramento.
NO ACTION
- (3) **CASE NO. 06-0760A**
Appeal from rejection during probation
Classification: Parole Agent I (Adult Parole)
Department: Department of Corrections and Rehabilitation
Proposed decision rejected November 14, 2006.
Oral argument originally set February 5-6, 2007, Los Angeles.
Continued to July 10-11, 2007, Sacramento.
NO ACTION
- (4) **CASE NO. 06-0235A**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Proposed decision rejected January 9, 2007.
Oral argument originally set May 8, 2007, Sacramento.
Continued to June 5, 2007, Sacramento.
NO ACTION
- (5) **CASE NO. 06-3023A**
Appeal from ten percent reduction in salary for three months
Classification: Psychiatric Technician
Department: Department of Corrections and Rehabilitation
Proposed decision rejected March 1-2, 2007.
Transcript prepared.
NO ACTION
- (6) **CASE NO. 05-2888PA**
Appeal from dismissal
Classification: Staff Services Analyst (General)
Department: Department of Consumer Affairs
Petition for rehearing granted October 31, 2006.
Oral argument originally set March 1-2, 2007, Sacramento.
Continued to June 5, 2007, Sacramento.
NO ACTION

May 18, 2007

(7) CASE NO. 05-1285A

Appeal from dismissal

Classification: Public Safety Dispatcher II

Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Oral argument originally set June 5, 2007, Sacramento.

Oral argument continued.

NO ACTION

(8) CASE NO. 06-1338A

Appeal from rejection during probation

Classification: Industrial Relations Counsel III (Specialist)

Department: Department of Industrial Relations

Proposed decision rejected May 8, 2007.

Pending transcript.

NO ACTION

(9) CASE NO. 06-2010A

Appeal from medical termination

Classification: Administrative Support Coordinator II

Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Pending transcript.

NO ACTION

(10) PSC NO. 06-03, CASE NO. 07-0806PA

Appeal from Executive Officer's disapproval of Unarmed Security Guard Services

Department: California Highway Patrol

Petition for rehearing granted May 8, 2007.

NO ACTION

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

May 18, 2007

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE PRESENTED

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On May 18, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Harrigan, Clarey, Costigan – Aye

- (1) CASE NO. 05-2403**
Classification: Youth Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; three DUI convictions, one not disclosed.
ACTION: DENIED
- (2) CASE NO. 05-2287**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: GRANTED
- (3) CASE NO. 05-1473**
Classification: Medical Technical Assistant
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: GRANTED
- (4) CASE NO. 05-4253**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: DENIED
- (5) CASE NO. 05-1068**
Classification: California Highway Patrol
Department: CHP Cadet
Issue: Suitability; omitted pertinent information.
ACTION: DENIED
- (6) CASE NO. 05-1647**
Classification: Correctional Lieutenant
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: GRANTED

- (7) **CASE NO. 05-2673**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; two DUI convictions.
ACTION: GRANTED
- (8) **CASE NO. 05-3237**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 07-0821N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: DISMISSED

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

NONE PRESENTED

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

NONE PRESENTED

E. REQUEST TO FILE CHARGES CASES

NONE PRESENTED

PETITIONS FOR REHEARING CASES

NONE PRESENTED

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

6. CASE NO. 06-1814

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

7. CASE NO. 06-1310

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

8. CASE NO. 05-2211A

Appeal from dismissal. Senior Tax Compliance Representative. Employment Development Department. (Oral argument held March 2, 2007.)

NO ACTION

9. CASE NO. 05-3741

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

NO ACTION

10. CASE NO. 06-0188A

Appeal from dismissal. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

NO ACTION

11. CASE NO. 05-0927BA

Appeal for back salary determination. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

NO ACTION

12. CASE NO. 05-0929PA

Appeal from rejection during probation. Health Program Manager I. Department of Health Services. (Oral argument held May 8, 2007.)

NO ACTION

13. CASE NO. 05-1067A

Appeal from dismissal. Investigator, DMV. Department of Motor Vehicles. (Oral argument held May 8, 2007.)

NO ACTION

14. CASE NO. 04-2919ERPA

Appeal from discrimination and retaliation. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held May 8, 2007.)

NO ACTION

15. HEARING – GOVERNMENTAL PROGRAM ANALYST

The State Personnel Board in consultation with the Department of Personnel Administration proposes the establishment of the new classification of Governmental Program Analyst. (Hearing held May 8, 2007.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

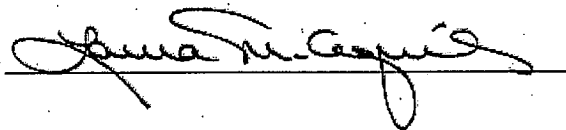
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on May 18, 2007.

VOTE: Harrigan, Clarey, Costigan – Aye

A handwritten signature in dark ink, appearing to read "Suzanne M. Ambrose", is written over a horizontal line.

for

Suzanne M. Ambrose
Executive Officer
California State Personnel Board